

# Exhibit 2

## United States of America

DEPARTMENT OF LABOR  
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

### SUBPOENA DUCES TECUM

**To: Smithfield Packaged Meat Corp.  
1400 North Weber Avenue  
Sioux Falls, SD 57103**

Pursuant to Federal law (Section 8(b) of the Occupational Safety and Health Act, 29 U.S.C. 657(b)), **you are hereby required to produce** to Sheila Stanley, Area Director, or her designee, of the OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, UNITED STATES DEPARTMENT OF LABOR at the **United States Department of Labor, Occupational Safety and Health Administration, Sioux Falls Area Office, 4404 South Technology Drive, Sioux Falls, SD 57106, on or before 1:00 p.m., Tuesday, May 5, 2020, all of the following item(s):**

**Unless otherwise noted, the requests set forth below pertain to the Smithfield Packaged Meat Corporation (“Smithfield”) located at 1400 North Weber Avenue, Sioux Falls, South Dakota 57103 (the “Worksite”).<sup>1</sup>**

- 1) For the period March 1, 2020 to present, please provide a list of all managers employed by Smithfield at the Sioux Falls Worksite, including each individual’s designated department, phone number, and email address.
- 2) Organizational Flow Chart, in effect at the Worksite as of March 1, 2020.
- 3) Employer ID Number.
- 4) Identify all union organizations that represent employees at the Worksite, including their mailing address and contact information for their respective business agents and union stewards.
- 5) List of employees who were found COVID-19 positive, including each employee’s phone number, email address, physical address and primary language. For each employee, please include the same contact information for a family representative and/or emergency contact representative.
- 6) List of any employees that expressed experiencing symptoms associated with COVID-19 between February 1, 2020 and today, including their phone number, email address, physical address and primary language. For purposes of this response, “symptoms

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<sup>1</sup> To the extent there are documents responsive to the instant requests that were generated by a corporate or regional entity, but nonetheless applicable to the Smithfield facility, please produce such documents.

associated with COVID-19” include fever, cough, and shortness of breath. See <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>

- 7) For each employee identified in response to Request Nos. 5 and 6, above, please identify the dates in which each employee was found COVID-19 positive and/or expressed experiencing symptoms associated with COVID-19.
- 8) For each employee identified in response to Request Nos. 5 and 6, above, please provide the employee’s job title, job duties and the location where each employee worked at the Worksite for the period March 1, 2020 to the present.
- 9) Detailed floor plan of the plant, including workstations, common breakroom areas, and locker room facilities.
- 10) A process diagram, blueprint or schematic that depicts the distance between workstations, the name of each workstation, and the number of employees assigned to each workstation during a standard shift.
- 11) Training videos, internal camera or surveillance footage and/or photographs that depict normal operating conditions at each of the workstations identified in response to Requests No. 9 and 10, above.<sup>2</sup>
- 12) For the period March 1, 2020 to present, please produce employee work schedules, including the name of employees, designated work areas, and assigned supervisors.
- 13) Any documents, emails, and/or written guidance relating to any actions taken by Smithfield to mitigate occupational exposure of employees to COVID-19.
- 14) Training records related to COVID-19, including but not limited to education and training materials associated with the identification or treatment of, and protection from COVID-19.
- 15) Sanitation records related to COVID-19, including but not limited to materials and documentation associated with Smithfield’s cleaning protocol, the specific areas subject to such protocols, the type of chemicals used to clean work areas, and the frequency of cleaning efforts.
- 16) OSHA 300 logs for 2020, 2019, and 2018.
- 17) First reports of injury or illness related to COVID-19.

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<sup>2</sup> In light of Smithfield’s current operating status, OSHA is seeking any photographs, videos, or surveillance footage that would reasonably reflect normal operating conditions at the Smithfield Worksite prior to any modifications or adjustments associated with the existing global pandemic. The agency is willing to discuss this request in further detail to ensure that the data transmitted is limited in scope and time.

- 18) Produce any work rules, policies or procedures that Smithfield implemented because of COVID-19, or to mitigate the spread of COVID-19 at the Worksite, including the date such rules, policies or procedures were developed and implemented.
- 19) Disciplinary records for employees who did not follow COVID-19 guidance.
- 20) A copy of any investigation, inquiry, and/or recommendations compiled by Smithfield relating to the COVID-19 outbreak at the Worksite.
- 21) Any guidance or instruction Smithfield received regarding the prevention or mitigation of COVID-19 at the Worksite including, but not limited to, information offered by federal, state, and local officials, Smithfield Regional or Corporate entities, or other health officials.
- 22) A copy of any employee incentive programs that were developed, implemented and/or maintained between February 1, 2020 and present, including but not limited to, any programs offering bonuses or secondary compensation for employees during the COVID-19 pandemic.
- 23) A copy of any documentation provided to Smithfield from federal, state, or local officials either requiring or advising the company to maintain or reduce production at the facility as a result of the COVID-19 pandemic.
- 24) Identify all personal protective equipment provided to employees in response to the COVID-19 pandemic and the date the equipment was provided. For each form of personal protective equipment, please identify whether use by employees was voluntary or required by Smithfield.
- 25) Identify all personal protective equipment provided to employees, prior to the COVID-19 pandemic. For each form of personal protective equipment, please identify whether use by employees was voluntary or required by Smithfield.
- 26) A list of all equipment operated between March 1, 2020 and the present by Smithfield employees who subsequently tested positive for COVID-19.
- 27) Records relating to whether and how Smithfield cleaned equipment operated between March 1, 2020 and the present by employees who have tested positive for COVID-19.
- 28) A copy of employee time sheets and/or attendance records from March 1, 2020 to present.
- 29) A copy of any sick leave requests and/or leave notifications from employees at the Worksite from March 1, 2020 to present.

- 30) A copy of any company pandemic plan developed, implemented and/or maintained to address occupational exposure to COVID-19.
- 31) Any information regarding implementation of a hotline to report employee illnesses associated with COVID-19, including the date the hotline was set up and records of calls made to the hotline.
- 32) A copy of any actions taken by Smithfield, and the dates they were taken, to ensure that employees were not reporting to work with COVID-19 symptoms, including but not limited to, taking temperatures of employees prior to entering the plant or throughout a shift, removing employees from the plant based on complaints of sickness, referring employees to a clinic (or paying for those expenses), encouraging and documenting self-reports of illness.
- 33) A list of any trade groups or associations to which the company holds membership.
- 34) A copy of Smithfield's Emergency Action Plan related to the company's infectious disease response and reporting requirements.

If you have questions about the above items, contact the Area Director or Assistant Area Director at 605-361-9566.

Smithfield is required to produce all items described above that are in the possession, custody, or control of Smithfield Packaged Meat Corporation, including those items in the possession, custody or control of any of such entities' officers, directors, employees, agents, representatives, accountants, or attorneys. No items requested by this subpoena shall be destroyed, modified, altered, removed, or otherwise made inaccessible to the OSHA Sioux Falls Area Office.

If any item responsive to this subpoena was, but no longer is, in your possession, custody, or control, identify the item and explain the circumstances by which it ceased to be in your possession, custody, or control.

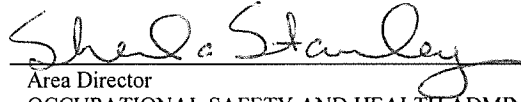
If the subpoena cannot be complied with in full, it shall be complied with to the extent possible, with an explanation of why full compliance is not possible.

The information requested may be produced in any of the following formats:

- (1) Email attachment to the attention of John Becker ([Becker.John.D@Dol.gov](mailto:Becker.John.D@Dol.gov));
- (2) CD or thumb drive;
- (3) External hard drive;
- (4) Hard copy mailed to OSHA's Sioux Falls Area Office at the address identified above. If Smithfield elects to send responsive documents via U.S. Postal Service, United Parcel Service ("UPS") or Federal Express, please contact OSHA Area Director Sheila Stanley prior to mailing to arrange for delivery and signature. Ms. Stanley can be reached at 605-361-9566, ext. 201 or [Stanley.Sheila.A@dol.gov](mailto:Stanley.Sheila.A@dol.gov).

## FAIL NOT AT YOUR PERIL

IN TESTIMONY WHEREOF I have hereunto affixed my signature  
and the seal of the UNITED STATES DEPARTMENT OF LABOR at  
4404 South Technology Drive, Sioux Falls, SD, this 21st day of April, 2020.



Area Director

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
UNITED STATES DEPARTMENT OF LABOR

